

REMARKS

This Amendment and Reply is intended to be completely responsive to the Non-Final Office Action mailed January 22, 2008. Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-16 have been canceled without prejudice to further prosecution on the merits. New Claims 17-36 have been added for clarity and to provide claims of varying scope. No new matter has been added. Accordingly, Claims 17-36 will be pending in the present Application upon entry of this Amendment and Reply.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Drawings

On page 2 of the Detailed Action, the Examiner objected to the drawings because “Applicant is required to furnish a drawing under 37 CFR 1.81(c) separate from the PCT application.”

Applicants submit that as an application filed under 35 U.S.C. § 371(c), wherein a copy of the International Application as filed has been communicated to the United States Patent Office by the International Bureau, a separate copy of the drawings did not need to be provided upon entering the national stage. Nevertheless, in an effort to address the Examiner’s concern, Applicants have filed a duplicate copy of the formal drawings concurrent with this Amendment and Reply. Applicants note that the submitted formal drawings are identical to the drawings appearing in the International Application and in U.S. Patent Application Publication No. 20060181131.

Claim Rejections – 35 U.S.C. § 112

On page 2 of the Detailed Action, the Examiner rejected Claims 1-16 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out an distinctly claim the subject matter which applicant regards as the invention. Specifically, with regard to Claim 1, the Examiner stated that “the phrases ‘in particular’ and ‘as such’ renders the claim indefinite

Claim Objections

Claim Rejections – 35 U.S.C. § 102(b)

Klueling shows a device (16,18,21,23,24) for blocking and adjusting the inclination of two components situated on a vehicle seat, comprising a first fitting part (10) which has a latch tooth (16) and a latch element (18) which has having a mating latch tooth (19), the latch tooth and the mating latch tooth being able to be brought into engagement and being able to be arrested in the engagement position by means of a

clamping element (23) which is under the force of a torsion (spiral) spring (30).

Applicants submit that the rejection of Claims 1-10 and 13-15 is now moot because Claims 1-16 have been canceled without prejudice to further prosecution on the merits. With regard to the newly presented claims (specifically independent Claims 17 and 30), Applicants submit that Klueting fails to disclose, teach or suggest the claimed invention.

For example, new independent Claim 17 recites a “recliner mechanism” comprising, among other elements, a “toothed element including a fourth toothing and a spring, the fourth toothing being engageable with the third toothing, the spring being encircled by the toothed element.”

New independent Claim 30 recites a “recliner mechanism” comprising, among other elements, a “clamping element . . . including . . . a first fastening opening” and a “toothed element including . . . a second fastening opening,” wherein “the first fastening opening and the second fastening opening are each configured to receive a transmission rod to accommodate different seating arrangements.”

Klueting fails to disclose teach or suggest such recliner mechanisms. In contrast, Klueting discloses a “driven gear 24 [that] is integrally connected with a cam 20 in the form of a spiral segment 23” (col. 3, line 68-col. 4, line 1). The “cam 20” and the “driven gear 24” are connected to a “central pin 25” (col. 4, lines 3-4), which does not appear to define any sort of fastening opening. The “cam 20” includes a “trunnion 28” that has a slot configured to receive the end of a “spiral spring 30” (col. 4, lines 15-19). As shown in Figures 1 and 2, the “spiral spring 30” encircles the “trunnion 28” and is offset from the rest of the “cam 20.” As such, Klueting fails to disclose, teach or suggest a toothed element including a spring that is encircled by the toothed element, as required by Claim 17, and a clamping element and a toothed element that each define a fastening opening configured to receive a transmission rod to accommodate different seating arrangements, as required by Claim 30.

Because at least one limitation in independent Claims 17 and 30 is not disclosed, taught or suggested by Klueting, Claims 17 and 30 cannot be anticipated by Klueting under 35 U.S.C. § 102(b). Dependent Claims 18-29, as they depend from independent Claim 17,

and dependent Claims 31-36, as they depend from independent Claim 30, are allowable therewith for at least those reasons set forth above, without regard to the further patentable limitations set forth in such claims.

2. Claims 1-14 and 16 (Bell)

On pages 3-4 of the Detailed Action, the Examiner rejected Claims 1-14 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,705,319 to Bell ("Bell"). In rejecting Claim 1, the Examiner stated:

Bell shows a device (26,34,48,56) for blocking and adjusting the inclination of two components situated on a vehicle seat, comprising a first fitting part (14) which has a latch tooth (32) and a latch element (34) which has having a mating latch tooth (36,38), the latch tooth and the mating latch tooth being able to be brought into engagement and being able to be arrested in the engagement position by means of a clamping element (48) which is under the force of a torsion (spiral) spring (64).

Applicants submit that the rejection of Claims 1-14 and 16 is now moot because Claims 1-16 have been canceled without prejudice to further prosecution on the merits. With regard to the newly presented claims (specifically independent Claims 17 and 30), Applicants submit that Bell fails to disclose, teach or suggest the claimed invention.

For example, new independent Claim 17 recites a "recliner mechanism" comprising, among other elements, a "toothed element including a fourth toothing and a spring, the fourth toothing being engageable with the third toothing, the spring being encircled by the toothed element."

New independent Claim 30 recites a "recliner mechanism" comprising, among other elements, a "clamping element . . . including . . . a first fastening opening" and a "toothed element including . . . a second fastening opening," wherein "the first fastening opening and the second fastening opening are each configured to receive a transmission rod to accommodate different seating arrangements."

Bell fails to disclose, teach or suggest such recliner mechanisms. In contrast, Bell discloses a recliner mechanism having a "first gear 34," a "second recliner gear 48" and a

“clutch drum 56.” A “coil clutch spring 62” wraps around an outer periphery of the “drum 56” (col. 4, lines 25-27). Neither, the “first gear 34,” the “second recliner gear 48” nor the “clutch drum 56” appear to include a fastening opening configured to receive a transmission rod. As such, Bell fails to disclose, teach or suggest a toothed element including a spring that is encircled by the toothed element, as required by Claim 17, and a clamping element and a toothed element that each define a fastening opening configured to receive a transmission rod to accommodate different seating arrangements, as required by Claim 30.

Because at least one limitation in independent Claims 17 and 30 is not disclosed, taught or suggested by Bell, Claims 17 and 30 cannot be anticipated by Bell under 35 U.S.C. § 102(b). Dependent Claims 18-29, as they depend from independent Claim 17, and dependent Claims 31-36, as they depend from independent Claim 30, are allowable therewith for at least those reasons set forth above, without regard to the further patentable limitations set forth in such claims.

New Claims

Applicants have added new Claims 17-36 for clarity and to provide claims of varying scope. As indicated above, Applicants believe that new independent Claims 17 and 30 each recite a combination of subject matter that is patentable in view of the cited prior art. New Claims 18-29, as they depend from independent Claim 17, and new Claims 31-36, as they depend from independent Claim 30, are allowable therewith for at least those reasons set forth above, without regard to the further patentable limitations set forth in such claims. Accordingly, allowance of new Claims 17-36 is respectfully requested.

* * *

Applicants believe that the present Application is now in condition for allowance. In particular, even when the elements of Applicants’ claims, as discussed above, are given a broad construction and interpreted to cover equivalents, the cited references do not teach, disclose, or suggest the claimed subject matter. Favorable reconsideration of the present Application as amended is respectfully requested.

Further, Applicants respectfully put the Patent Office and all others on notice that all arguments, representations, and/or amendments contained herein are only applicable to the present Application and should not be considered when evaluating any other patent or patent application including any patents or patent applications which claim priority to this patent application and/or any patents or patent applications to which priority is claimed by this patent application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

The Examiner is encouraged to contact the undersigned by telephone if the Examiner believes that another telephone interview would advance the prosecution of the present Application. Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

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